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MOUNTAIN WEST CONFERENCE

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

IN RE: NATIONAL COLLEGIATE  
ATHLETIC ASSOCIATION ATHLETIC  
GRANT-IN-AID CAP ANTITRUST  
LITIGATION

This Document Relates to:

ALL ACTIONS EXCEPT

*Jenkins v. Nat'l Collegiate Athletic Ass'n*,  
Case No. 4:14-cv-02758-CW

Case No. 14-md-02541-CW

**DECLARATION OF BRENT RYCHENER  
IN SUPPORT OF PLAINTIFFS'  
ADMINISTRATIVE MOTION TO FILE  
UNDER SEAL EXPERT DIRECT  
TESTIMONY OF DAN RASCHER, ROGER  
NOLL, AND HAL PORET**

Hearing Date:	July 19, 2018
Time:	2:30 p.m.
Courtroom:	Courtroom 2, 4th Floor
Judge:	Hon. Claudia Wilken

I, Brent Rychener, declare:

1. I am a partner at the law firm of Bryan Cave Leighton Paisner LLP, attorneys for Defendant Mountain West Conference (“MWC”) in this action.

2. I submit this Declaration pursuant to Local Rule 79-5(e)(1), in support of Plaintiffs’ Administrative Motion to File Under Seal Expert Direct Testimony of Dan Rascher, Roger Noll, and Hal Poret (MDL Dkt. 865).

3. Unless otherwise stated, the matters set forth below are based on my personal knowledge and, if called as a witness, I could and would testify competently thereto.

4. A party seeking to file a document under seal must “establish[] that the document, or portions thereof, are privileged, protectable as a trade secret or otherwise entitled to protection under the law.” Civil L.R. 79-5(b). A party must demonstrate that “compelling reasons” exist to protect the information from being disclosed. *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006). Where possible, redactions, instead of complete removal, can be used to place “limited and clear” portions of information outside the public record. *Id.* at 1183.

5. The MWC can demonstrate that compelling reasons exist to maintain the confidentiality of certain documents filed under seal by Plaintiffs that contain or reflect highly confidential and competitively sensitive information pertaining to the MWC’s Sponsorship Agency Agreement with Mountain West Sports Properties (the “Sponsorship Agreement”).

6. The Sponsorship Agreement has been designated “Conference Strictly Confidential – Outside Litigation Counsel Only,” pursuant to the Order Regarding Second Addendum to the Stipulated Protective Order (MDL Dkt. 512) and the Order Regarding Third Addendum to Stipulated Protective Order (MDL Dkt. 539).

7. The Sponsorship Agreement is heavily negotiated and strictly confidential, and contains highly sensitive information, including license fees, renewal rights, termination dates, rights restrictions, sponsorship rights and other considerations that have never been made public, and which, if made public, would highly prejudice the MWC and the other parties to these agreements.

8. Accordingly, the MWC requests that the following the following portion of the Direct Testimony of Dr. Daniel A. Rascher, dated July 3, 2018, be maintained under seal:

- a. Page 91, paragraph 230: the sentence that begins “The Mountain West Conference’s” and discusses the Sponsorship Agreement.

9. The MWC’s request is narrowly tailored and seeks to seal only highly confidential and competitively sensitive information, the public disclosure of which would harm the MWC and other parties to its Sponsorship Agreement.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 9th day of July 2018.

BRYAN CAVE LEIGHTON PAISNER LLP

By:                     /s/ Brent E. Rychener                      
Brent E. Rychener  
Counsel for Defendant Mountain West Conference

**Certificate of Service**

I hereby certify that on July 9, 2018 I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system which will send notification to the email addresses registered.

/s/ Brent E. Rychener

Brent E. Rychener (admitted *Pro Hac Vice*)